

02-15-02

A/PLA7

# PLANT PATENT APPLICATION TRANSMITTAL (Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
ANI-100US

Total Pages in this Submission

**TO THE ASSISTANT COMMISSIONER FOR PATENTS**Box Patent Application  
Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new plant patent application for an invention entitled (include plant's name):

SHRUB ROSE PLANT NAMED "LADY ELSIE MAY"

and invented by:

Reinhard NOACK

 J1000 U.S. PTO  
 10/075873  
 02/13/02
If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:
☐ Continuation    ☐ Divisional    ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Which is a:

☐ Continuation    ☐ Divisional    ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Which is a:

☐ Continuation    ☐ Divisional    ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Enclosed are:

**Application Elements**

1. ☒ Filing fee
2. ☒ Specification having 7 page(s) (2 copies required - 37 CFR 1.163(b))  
and including the following:
  - ☒ Descriptive title of the Invention (with Plant's name)
  - ☐ Cross References to Related Applications (if applicable)
  - ☐ Statement Regarding Federally-sponsored Research/Development (if applicable)
  - ☒ Background of the Invention
  - ☒ Brief Summary of the Invention
  - ☒ Brief Description of the Drawings
  - ☒ Detailed Botanical Description
  - ☒ Claim (only one (1) permitted MPEP 1605)
  - ☒ Abstract of the Disclosure

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## Application Elements (Continued)

3. ☒ Drawing(s) in duplicate (as prescribed by 35 USC 165 and 37CFR 1.165(b))

☐ Drawings: ☐ Color ☐ Black and white  
☒ Photographs: ☒ Color ☐ Black and white

Total Sheets: 1

4. ☒ Oath or Declaration

- a. ☒ Newly executed (original or copy) ☐ Unexecuted  
b. ☐ Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional application only)  
c. ☒ With Power of Attorney ☐ Without Power of Attorney  
d. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).

5. ☐ Incorporation By Reference (usable if Box 4b is checked)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

## Accompanying Application Parts

6. ☐ Plant Color Coding Sheet  
7. ☒ Assignment Papers (cover sheet & document(s))  
8. ☐ 37 CFR 3.73(b) Statement (when there is an assignee)  
9. ☐ English Translation Document (if applicable)  
10. ☐ Information Disclosure Statement/PTO-1449 ☐ Copies of IDS Citations  
11. ☐ Preliminary Amendment  
12. ☒ Acknowledgment postcard  
13. ☒ Certificate of Mailing  
☐ First Class ☒ Express Mail (Specify Label No.): EL692168425US  
14. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)  
15. ☐ Verified Statement(s) to Establish Small Entity Status Under 37 C.F.R. 1.9 and 1.27.

**PLANT PATENT APPLICATION TRANSMITTAL**  
**(Small Entity)**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

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**Accompanying Application Parts (Continued)**

16. ☐ Additional Enclosures *(please identify below)*:

**Fee Calculation and Transmittal**

The filing fee for this plant patent application is calculated and transmitted as follows:

<b>BASIC FEE</b>	\$255.00
<b>OTHER FEE (specify purpose)</b>	\$0.00
<b>TOTAL FILING FEE</b>	\$255.00

- ☒ A check in the amount of **\$255.00** to cover the total filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. **18-0350** as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of \_\_\_\_\_ as filing fee.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated:

*Feb. 13, 2002*

*Bruce M. Monroe*  
Signature

**Bruce M. Monroe**  
Reg. No. 33,602  
**RATNER & PRESTIA**  
P.O. Box 7228  
Wilmington, Delaware 19803  
phone: 302-479-9470  
fax: 302-479-9480

cc:

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**

Applicant(s): Noack

Docket No.

ANI-100US

Serial No.  
to be assignedFiling Date  
herewithExaminer  
unknownGroup Art Unit  
unknownInvention: **SHRUB ROSE PLANT NAMED "LADY ELSIE MAY"**

I hereby certify that the following correspondence:

Plant application transmittal, specification &amp; drawing (in duplicate), executed DEC, POA, Assignment, check for \$255, postcard

*(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on

February 13, 2002*(Date)*Ruth Curran*(Typed or Printed Name of Person Mailing Correspondence)**(Signature of Person Mailing Correspondence)*EL692168425US*("Express Mail" Mailing Label Number)***Note: Each paper must have its own certificate of mailing.**